

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROLAND MA,

CASE NO. C19-1112 JCC

Plaintiff,

**ORDER AFFIRMING ORDER DENYING  
MOTION TO DISQUALIFY**

U.S. DEPARTMENT OF EDUCATION,  
UNIVERSITY OF SOUTHERN  
CALIFORNIA,

## Defendants.

This matter is before the Court on Plaintiff's Motion to Vacate Prior Rulings and Judge's Disqualification Under 28 U.S.C. § 455(a). Dkt. #45. The Honorable United States District Judge John C. Coughenour denied Plaintiff's request that he disqualify himself. Dkt. #54. Pursuant to the Court's Local Civil Rules, Judge Coughenour referred the matter to the Undersigned. Dkt. #54 at 4; LCR 3(f).

A “judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). Federal judges also must disqualify themselves in circumstances where they have “a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.” 28 U.S.C. § 455(b)(1). Recusal of a federal judge is appropriate if “a reasonable person with

1 knowledge of all the facts would conclude that the judge's impartiality might reasonably be  
2 questioned." *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir. 1993). This is an  
3 objective inquiry concerned with whether there is the appearance of bias, not whether there is  
4 bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1992); *United States v.*  
5 *Conforte*, 624 F.2d 869, 881 (9th Cir. 1980).

6 Plaintiff has been involved in at least three cases before Judge Coughenour. Dkt. #45 at  
7 2. His motion conveys a subjective perception of bias because of Judge Coughenour's prior  
8 rulings. As "evidence" of bias, Plaintiff points only to an internet posting he attributes to an  
9 attorney's spouse and some vague "proof" that an attorney had a goal of setting a high amount  
10 of bail in some proceeding. Dkt. #45 at 2–3. But Plaintiff does not point to anything indicating  
11 judicial bias and does not point to any action taken by Judge Coughenour outside of his judicial  
12 role. "[A] judge's prior adverse ruling is not sufficient cause for recusal." *United States v.*  
13 *Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*, 993 F.2d  
14 710, 712 (9th Cir. 1993) ("To warrant recusal, judicial bias must stem from an extrajudicial  
15 source.").

16 Plaintiff points to nothing setting forth a reasonable basis upon which Judge  
17 Coughenour's "impartiality might reasonably be questioned." Accordingly, the Court finds and  
18 ORDERS that Judge Coughenour's Order (Dkt. #54) declining to disqualify himself is  
19 AFFIRMED.

20 DATED this 16<sup>th</sup> day of April, 2020.

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24 RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE